

Message

Sent: 4/11/2019 7:52:03 PM
To: aileen.hooks@bakerbotts.com
CC: molly.cagle@bakerbotts.com; Scott.Janoe@BakerBotts.com; matthew.kuryla@bakerbotts.com; MGaudet@item.com
Subject: RE: ITC - Latest SOW
Attachments: ITC Removal AOC 11th Draft 4-11-19.doc; ITC CERCLA Statement of Work WMP language 4-11-19.docx

Hi Aileen,

Attached is the latest AOC and SOW incorporating your comments. Please take a look at Paragraph 10 (Findings of Fact) for the changes we discussed earlier.

I also added to Paragraphs 19 (Work), 22 (Post Removal) and 95 (Certification) and the SOW a non-wastewater "Waste Management Plan" to distinguish from the WWMD Plan as you noted in one of your comments to the SOW.

Also, we envision Paragraphs 22 and 95 to overall plan for when TCEQ eventually takes over and EPA disengages from the emergency response stage of this response. I tried to craft the language in those two paragraphs to allow for that occurrence should it take place.

With respect to the SOW, you made a comment concerning reference to existing State permit requirements or orders (Items 6 and 7). This language is designed to reference any permits or state orders the State may issue between now and the effective date of the AOC. We can talk further on this if you'd like.

And again, although I've shared these latest drafts with EPA management, I have yet to get approval from them.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Wednesday, April 10, 2019 11:42 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; Scott.Janoe@BakerBotts.com; matthew.kuryla@bakerbotts.com; MGaudet@item.com
Subject: RE: ITC - Latest SOW

Here's the pdf in case you need it.

From: Hooks, Aileen
Sent: Wednesday, April 10, 2019 11:34 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Cagle, Molly <molly.cagle@bakerbotts.com>; Janoe, Scott <Scott.Janoe@BakerBotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; MGaudet@item.com
Subject: RE: ITC - Latest SOW

Ed,

There is also a tweak to paragraph 7. I am re-sending. Let me know if the changes still aren't coming through on your end. I believe we can prepare a pdf version to send if needed.

Best regards,

Aileen

From: Quinones, Edwin <quinones.edwin@epa.gov>

Sent: Wednesday, April 10, 2019 11:20 AM

To: Hooks, Aileen <aileen.hooks@bakerbotts.com>

Cc: Cagle, Molly <molly.cagle@bakerbotts.com>; Janoe, Scott <Scott.Janoe@BakerBotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; MGaudet@item.com

Subject: RE: ITC - Latest SOW

Thanks, Aileen. For some reason, the redline didn't show up at my end. I tried to do a comparison, though, and it looks like the proposed change is limited to Item 6 with language referencing compliance with state ARARs as opposed to state permit requirements. Just to be sure, could you try resending with redline text?

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From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>

Sent: Tuesday, April 09, 2019 9:21 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: molly.cagle@bakerbotts.com; Scott.Janoe@BakerBotts.com; matthew.kuryla@bakerbotts.com; MGaudet@item.com

Subject: RE: ITC - Latest SOW

Ed,

Attached are a few suggested changes to the draft SOW you sent yesterday (I accepted the changed in the draft you sent so this shows only the changes I've made.)

Also, as requested, below is suggested alternative language for identification of hazardous substances for jurisdictional purposes for use in paragraph 10 of the draft AOC instead of the current sentence referring to sample analyses:

"The discharge included xylene, which is a hazardous substance, and refined petroleum products."

Please let me know if you would like to discuss either the SOW or the AOC language proposal.

These draft AOC and SOW remain subject to further review and comment by our client.

Best regards,

Aileen

From: Quinones, Edwin <quinones.edwin@epa.gov>

Sent: Monday, April 8, 2019 12:07 PM

To: Hooks, Aileen <aileen.hooks@bakerbotts.com>; Cagle, Molly <molly.cagle@bakerbotts.com>; Janoe, Scott <Scott.Janoe@BakerBotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; MGaudet@iterm.com
Subject: ITC - Latest SOW

Hi Aileen,

Based on our discussion, I'm sending you the latest draft SOW. Changes made from the one I sent on Saturday include language added (and deleted) in Items 6 and 7. Although I've shared this with EPA management, they have not yet approved it. I also haven't shared it yet with TCEQ counsel, but I'll send them a copy shortly.

Thanks,

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